IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DALE P. FIELD, JR.,

    Plaintiff,

v.   CIVIL ACTION NO. 1:21-00218

PHILLIP MORRIS, USA, INC.,

    Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C.A. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on August 10, 2021, in which he recommended that the district court grant defendant's motion to dismiss plaintiff's amended complaint, as well as defendant's initial motion to dismiss, and deny as moot plaintiff's motion to remand.
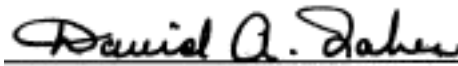
In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the applicable time period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** defendant Philip Morris USA Inc.'s Motion to Dismiss Plaintiff's Amended Complaint, as well as defendant's initial motion to dismiss (ECF Nos. 23 and 5), **DISMISSES** plaintiff's complaint, **DENIES** as moot plaintiff's motion to remand, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

IT IS SO ORDERED this 9th day of September, 2021.

ENTER:

David A. Faber
Senior United States District Judge